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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,857	07/14/2003	Amit Haller	1005-36-01 USP	7751

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EXAMINER	
GONZALEZ, AMANCIO	
ART UNIT	**PAPER NUMBER**
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/619,857	HALLER ET AL.	
	Examiner	Art Unit	
	Amancio Gonzalez	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-9, 11-18, and 20-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuda (US PGPub 20020159406).

Consider claim 1, Fukuda discloses a device for attaching a cellular data service to a short distance wireless network **(see Fukuda: pars. 0042, 0044, figs. 1 and 4),** comprising: a processor; and a memory, coupled to the processor, capable to store a software component for selectively attaching the cellular data service to the short distance wireless network responsive to a first terminal in the short distance wireless network communicating with the device **(see Fukuda: pars. 0091, 0092, 0097, fig. 7).**

Consider claim 2, Fukuda teaches claim 1 above, and further discloses wherein the communicating includes identifying a type of the first terminal (first terminal reads on host device -see Fukuda: pars. 0027, 0043, 0122, claim 1, fig. 4, device 4).

Consider claim 3, Fukuda teaches claim 1 above, and further discloses wherein the communicating includes the first terminal generating a message to the device (see Fukuda: pars. 0043, 0044, fig. 4).

Consider claim 6, Fukuda teaches claim 1 above, and further discloses transferring IP packets to the device (see Fukuda: par. 0059).

Consider claims 7 and 13, Fukuda teaches claim 1 above, and further discloses **inherently** establishing a short-range LAN access profile session (see Fukuda: par. 0039, 0040 disclosing a Bluetooth radio communication system. Bluetooth supports short-range LAN access profile).

Consider claim 8, Fukuda teaches claim 1 above, and further discloses establishing a dial-up network session (see Fukuda: par. 0005).

Consider claims 11 and 20, Fukuda teaches claims 1 and 14 above respectively, and further discloses wherein the short distance wireless network is a Bluetooth wireless local area network (see Fukuda: par. 0039, fig. 3).

Consider claims 12 and 21, Fukuda teaches claims 1 and 14 above respectively, and further discloses wherein the short distance wireless network can be a Bluetooth wireless local area network (see Fukuda: par. 0121).

Consider claim 14, Fukuda discloses a method for communicating with a cellular network, generating a short-range radio message, by a terminal, in a short distance wireless network **(see Fukuda: pars. 0001, 0042).** Fukuda discloses receiving, by a device, the short-range radio message **(see Fukuda: pars. 0001, 0042, 0043)**. Fukuda **implicitly** discloses generating a cellular signal, by the device, requesting a public IP

address from a cellular data service responsive to the short-range radio message, receiving a cellular signal containing the public IP address, by the device, for the device and, transferring a plurality of IP packets, by the device, between the cellular network and the terminal using the public IP address **(see Fukuda: pars. 0057-0060)**.

Consider claim 15, Fukuda teaches claim 14 above, and further discloses wherein the short-range message includes a type of terminal (see Fukuda: pars. 0043, 0062, figs. 5 and 6).

Consider claim 16, Fukuda teaches claim 14 above, and further discloses wherein the short-range message includes a request for a cellular data service in the cellular network (when the host device 4 request connection to the internet via the mobile telephone, it implicitly requests a cellular data service -see Fukuda: par. 0097)

Consider claim 17, Fukuda teaches claim 14 above, and further discloses wherein the short-range message includes an IP packet to be transferred to the cellular network (see Fukuda: par. 0059).

Consider claim 18, Fukuda teaches claim 14 above, and further discloses wherein the terminal is a messaging terminal and the device is a cellular telephone (messaging terminal reads on personal computer 102, as well as on mobile telephone101 -see Fukuda: par. 0004, fig. 1).

Consider claim 22, Fukuda discloses a method for communicating with a cellular network, comprising the steps of: receiving, by a device, a plurality of requests in a plurality of short-range radio messages, from a respective plurality of terminals, in a short distance wireless network for a cellular data service in the cellular network **(see**

Fukuda: pars. 0001, 0042, 0043); and, attaching to the cellular data service, by the device, responsive to the plurality of requests **(see Fukuda: pars 0042, figs. 1 and 4)**.

Consider claim 23, Fukuda discloses a system for providing communication between a cellular network and a short distance wireless network **(see Fukuda: pars. 0042, 0044, figs. 1 and 4)**, comprising: a hand-held wireless device, including: a cellular transceiver to communicate with the cellular network, including to receive a public IP address from a cellular data service for the hand-held wireless device **(see Fukuda: pars. 0042, 0057-0060)**; a short-range transceiver to communicate with the short-range radio network, including to receive a short-range radio message requesting a plurality of packets from the cellular data service; a memory, coupled to the cellular and short-range radio transceivers, to store a software component to selectively transfer a plurality of packets, using the public 1P address, between the cellular data service in the cellular network and the short distance wireless network responsive to the short-range radio message **(see Fukuda: pars. 0042, 0057-0060, 0091, 0092, 0097, fig. 7)**; and, a first wireless device to generate the short-range radio message **(devices 2, 3 and 4, all include Bluetooth –BT- modules, thus inherently generating short-range radio messages to communicate from one to another -see Fukuda: pars. 0039, 0043, fig. 4)**.

Consider claim 24, Fukuda teaches claim 23 above, and further discloses wherein the first wireless device is selected from a group consisting of a desktop computer, a laptop computer, a personal digital assistant, a headset, a pager, a pen, a printer, a watch, a digital camera and an equivalent (see Fukuda: par. 0043).

Consider claim 25, Fukuda discloses an article of manufacture, including a computer readable medium, comprising: a short-range radio software component to provide a short-range radio signal in a short distance wireless network and a cellular software component to provide a communication signal in a cellular network **(device 2 -mobile telephone- serves as a gateway connecting mobile communication network 20 with a short-range communication system 10 -see Fukuda: pars. 0039, 0042, fig. 4)**; and, a software component to selectively transfer a plurality of packets, using a cellular network address provided by a cellular data service in the cellular network, between the cellular network and the short distance wireless network responsive to a short-range radio message requesting the cellular data service in the cellular network **(see Fukuda: pars. 0059-0060, where packet transmission through the short-range radio system and the mobile communication network is discussed)**.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (US PGPub 20020159406) in view of Dougherty (US Pat 6831902) .

Consider claim 4, Fukuda teaches claim 1 above, and further discloses wherein the communicating includes requesting an IP address in the short distance wireless network (host device 4 requests access to the internet, implicitly requesting an IP address -see Fukuda: pars. 0097, 0099, 0101, 102), but does not particularly refer to using private IP address. Dougherty discloses using private IP address (see Dougherty: col. 6 lines 15-32). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Fukuda and have private IP address included, as taught by Dougherty, thereby preventing unauthorized devices from accessing the short-range communication network, as discussed by Fukuda (see Fukuda: fig. 4).

6. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (US PGPub 20020159406) in view of Keinonen et al. (US PGPub 20020082054).

Consider claims 10 and 19, Fukuda teaches claims 1 and 14 above respectively, but does not particularly refer to the cellular data service being a general packet radio service ("GPRS") in a Global System for Mobile communications ("GSM") cellular

network. Keinonen teaches a cellular data service that can be a general packet radio service ("GPRS") in a Global System for Mobile communications ("GSM") cellular (see Keinonen: par. 0028). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Fukuda and have the cellular data service implemented in a general packet radio service ("GPRS") in a Global System for Mobile communications ("GSM") cellular network, as taught by Keinonen, thereby providing data communication in a network, as discussed by Fukuda.

Conclusion

7. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

December 19, 2006